



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF M-T-B-M-

DATE: SEPT. 20, 2016

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a teacher, seeks classification as a member of the professions holding an advanced degree. *See* section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2). The Petitioner also seeks a national interest waiver of the job offer requirement that is normally attached to this immigrant classification. *See* section 203(b)(2)(B)(i) of the Act, 8 U.S.C. § 1153(b)(2)(B)(i). U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest.

The Director, Texas Service Center, denied the petition, and we dismissed the Petitioner's subsequent appeal. The matter is now before us on a motion to reconsider. The motion will be denied.

In order to properly file a motion to reconsider, the regulation at 8 C.F.R. § 103.5(a)(1)(i) provides that the petitioner must file the motion within 30 days of the decision. If the decision was mailed, the motion must be filed within 33 days. *See* 8 C.F.R. § 103.8(b). The date of filing is not the date of submission, but the date of actual receipt with the proper signature and the required fee. *See* 8 C.F.R. § 103.2(a)(7)(i). Neither the Act nor the pertinent regulations grant us authority to extend the 33-day time limit for filing a motion to reconsider.

We issued our decision on November 19, 2015 and properly gave notice to the Petitioner that she had 33 days to file a motion. USCIS received the Form I-290B, Notice of Appeal or Motion, on December 23, 2015, or 34 days after the decision was issued. Accordingly, the motion to reconsider is untimely and must be denied for that reason.

**ORDER:** The motion to reconsider is denied.

Cite as *Matter of M-T-B-M-*, ID# 11023 (AAO Sept. 20, 2016)